

## Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§16–306.

(a) (1) Any person who has a recorded interest in land affected by any regulation adopted under this subtitle may appeal the regulation or designation of the person's land as wetland to the circuit court in the county where the land is located.

(2) The appeal shall be filed within 30 days after the later to occur:

(i) Notice that the Department's final adoption of the regulation has been published in the Maryland Register under § 10-114 of the State Government Article; or

(ii) Notice that the Department's final adoption of the regulation or designation of the person's land as wetland has been filed among the land records under § 16-303 of this subtitle.

(b) (1) The court shall review the administrative record of the Department's promulgation of the regulation or designation of the person's land as wetland.

(2) The court shall declare the regulation or designation invalid if the court finds that:

(i) The regulation or designation violates any provision of the United States or Maryland Constitution;

(ii) The regulation or designation exceeds the statutory authority of the Department; or

(iii) The Department failed to comply with statutory requirements for adoption of the regulation or designation of the person's land as wetland.

(c) If the court finds the regulation is invalid, the court shall enter a finding that the regulation does not apply to the petitioner. However, the finding may not affect any land other than that of the petitioner. The Secretary shall record a copy of the finding among the land records in the county.

(d) The person who appealed to the circuit court or the Department may appeal the decision of the circuit court to the Court of Special Appeals.

[\[Previous\]](#)[\[Next\]](#)